

sisted essentially of boric acid, magnesium sulphate, and a trace of coal tar color.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the therapeutic or curative effects of the said articles were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Nerve tonic, box label) "The Ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (Prescription 999, box label) "Recommended for kidney and bladder disorders. This medicine is a combination of oil sandalwood, oil cubebs, copaiba and other valuable vegetable oils which are known to give the best results in treating the disease for which this medicine is intended * * * After all signs of the disease have disappeared;" (Prescription 999 astringent wash, carton label) "To be used in conjunction with 999 Capsules. For kidney and bladder disorders, as a wash for irritated membranes."

On March 6, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*,

15814. Misbranding of California fig-nuts agar. U. S. v. 5 Dozen Packages of California Fig-Nuts Agar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22795. I. S. No. 22164-x. S. No. 829.)

On May 31, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of California fig-nuts agar, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the West Side Warehouse, from Chicago, Ill., on or about April 27, 1928, and transported from the State of Illinois into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a baked and crumbled cereal product containing bran, wheat, and traces of figs, nuts, and agar.

It was alleged in the libel that the article was misbranded in that the following statements, (package label) "A Scientific Health Food * * * A Natural Corrective for Constipation California Fig-Nuts Agar * * * This food is recommended by leading physicians for those who are troubled with long standing chronic constipation * * * lubricating the walls of the intestines, increasing the peristaltic action, and carrying this moisture to the lower bowel, softening the stool, furnishes a very easy, thorough cleansing. Unlike a purgative, cathartic, or other artificial means there is no tendency to weaken or irritate, the results are soothing and effective. * * * It is considered an excellent diet for diabetics when used on the advice of a physician. * * * In obstinate cases of Chronic Constipation, four tablespoonfuls twice a day until desired effect; then reduce to once a day," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged for the further reason that the following statements, (package label) "California Fig-Nuts Agar * * * California Fig-Nut Cereal * * * Fig-Nuts with Agar * * * Fig-Nuts Agar is semi-digested. It * * * is thoroughly digested in 60 minutes. * * *," (wrapper of case) "Agar Fig-Nuts," were false and misleading.

On June 26, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*.

15815. Misbranding of California fig-nuts agar. U. S. v. 5 Cases of California Fig-Nuts Agar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22775. I. S. No. 22153-x. S. No. 752.)

On May 17, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of California fig-nuts agar, remaining in the original

unbroken packages at Seattle, Wash., alleging that the article had been shipped by the California Fig-Nut Company, Inc., from Orange, Calif., on or about March 6, 1928, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the following statements, (package label) "A scientific Health Food * * * A Natural Corrective for Constipation California Fig-Nuts Agar * * * This food is recommended by leading physicians for those who are troubled with long standing chronic constipation, * * * lubricating the walls of the intestines, increasing peristaltic action, and carrying this moisture to the lower bowel, softening the stool, furnishes a very easy, thorough cleansing. Unlike a purgative, cathartic, or other artificial means there is no tendency to weaken or irritate, the results are soothing and effective. * * * It is considered an excellent diet for diabetics when used on the advice of a physician. * * * In obstinate cases of Chronic Constipation, four tablespoonfuls twice a day until desired effect, then reduce to once a day," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

Misbranding was alleged for the further reason that the following statements, (package label) "California Fig-Nuts Agar * * * California Fig-Nut Cereal Natural Laxative A Scientific Health Food Naturally Laxative * * * Fig-Nuts Agar is * * * semi-digested. It * * * is thoroughly digested in 60 minutes," were false and misleading.

On June 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15816. Misbranding of Brooten's kelp ore and Brooten's kelp ore liquid. U. S. v. 3 Dozen Large Size Packages of Brooten's Kelp Ore, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22640, 22736. I. S. Nos. 17482-x, 17483-x, 17485-x, 17486-x, 17498-x, 17500-x. S. Nos. 680, 779.)

On March 20 and May 2, 1928, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7 dozen large size packages and 14 dozen small size packages of Brooten's kelp ore, and 4 dozen bottles of Brooten's kelp ore liquid, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by W. H. Brooten & Sons, Inc., in part from Cloverdale, Ore., on or about February 1, 1928, and in part from Portland, Ore., on or about March 8, 1928, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of these articles by this department showed that Brooten's kelp ore consisted essentially of a bituminous shale containing water-soluble salts, including iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, a trace of sulphur and free sulphuric acid, and that Brooten's kelp ore liquid consisted essentially of a water solution of iron and aluminum sulphates, small amounts of calcium and magnesium salts, including phosphate and chloride, and free sulphuric acid.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling were false and misleading: (Booklet, large size) "As ozone is one of the most useful elements to all life its presence, through liberation, in Kelp Ore gives this substance an added beneficial effect in Kelp Ore * * * treatments. * * * I have elaborated on the qualities and character of ozone because I feel that this element is so vital a factor in all Kelp Ore treatments. The long slow oxidation of the ore during the curing process in some manner prepares it for the quick and rich liberation of ozone;" (circular, small size) "The wonderful, natural food, adding to the blood stream the life giving tissue foods and salts required, oxidizing and ironizing the carbohydrates, * * * neutralizing the excess acids and making possible their assimilation by the body cells and tissues."

Misbranding was alleged for the further reason that the following statements borne on the labeling, regarding the curative and therapeutic effects of the articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Book-